

REMARKS

Claims 1-21 are cancelled. Claims 23-36, 38-45 and 47 are amended. Claims 49-51 are added.. Hence, claims 22-51 are now active in this case.

REQUEST FOR RECONSIDERATION

The Examiner opines that there is a “lack of unity” from among the portions of claims 22-48 identified as Groups I-IV in the Restriction Requirement of February 6, 2009, and has required restriction to one group from among the four.

As requested, Applicants provisionally elect with traverse to prosecute the Group II claims, where n is 0, and one of R_3 or R_4 is other than $-H$.

Applicants respectfully disagree with the Examiner’s position that the claimed aspects are not linked so as to form a “single general inventive concept” under PCT Rule 13.1, and also lack a “special technical feature” under PCT Rule 13.2.

Specifically, the Examiner has premised the above positions upon the ostensible fact that there is “no common core” as a structural element shared by all of the alternatives in the claimed compounds, compositions containing them and methods using them. However, the claimed invention is based in part upon the common inventive concept of the use of canthin-6-one or canthin-6-one derived structures for the treatment of trypanosomiasis. The canthin-6-one ring structure is the core or common nucleus of formula (I). From page 6, lines 10-11 of the present application as filed, it is seen that canthin-6-one, itself corresponds to formula (I) in which R_1 - R_8 are all $-H$, and n is 0. Hence, it may readily be seen from this that all compounds of the formula (I) have the canthin-6-one structure as a common nucleus.

Accordingly, the division of the claimed invention into four(4) groups is erroneous as all of the groups have in common the canthin-6-one ring.

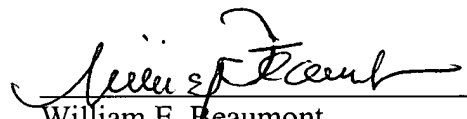
Further, this error is all the more clear in that none of the four groups identified by the Examiner includes canthin-6-one, itself, which is the object of claim 23, 24, 25, 30 and 31 and which is exemplified in the examples and which constitutes the common core nucleus of all the compounds claimed.

Accordingly, for all of the above reasons, the Requirement for Restriction based on lack of unity is unwarranted and should be withdrawn. Furthermore, a search and examination of all claimed subject matter should now proceed without further delay.

Finally, attached is a check for \$156.00 for the additional three (3) dependent claims added herewith.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 14-0112 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: March 4, 2009
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